

AN ORDINANCE

9 8 1 5 9

AUTHORIZING PAYMENT IN THE AMOUNT OF \$69,294.20 FROM 2002 CERTIFICATES OF OBLIGATION TO EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P., FOR ENVIRONMENTAL REMEDIATION SERVICES UNDER AN EXISTING ON-CALL PROFESSIONAL SERVICES ENVIRONMENTAL REMEDIATION AND CONSTRUCTION CONTRACT-2002, PASSED AND APPROVED ON MAY 30, 2002, BY ORDINANCE NO. 95847, AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$42,828.53 TO EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P., FOR ADDITIONAL CONSTRUCTION CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL AMOUNT OF \$112,122.73 NECESSARY TO THE SOUTHCROSS BOULEVARD FROM S. NEW BRAUNFELS TO PRESA PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * * *

WHEREAS, a previously executed on-call Professional Services Agreement with Eagle Construction and Environmental Services, L.P., (Eagle), a Master Contract, for remedial environmental construction was approved by the City Council on May 30, 2002, under authority of Ordinance No. 95847; and

WHEREAS, the Southcross Boulevard from S. New Braunfels to Presa Project, located in District 3, requires environmental remediation to address contamination within the project site as disclosed by a Phase II subsurface investigation; and

WHEREAS, Eagle will provide mechanical equipment and qualified personnel to perform removal, transportation, and disposal of the impacted media generated by the contractor in a manner required by regulation of the Texas Council on Environmental Quality; and

WHEREAS, the affected soil and groundwater to be managed and disposed for this project is estimated to be 4,500 cubic yards and 10,000 gallons, respectively; and, Eagle has presented the City with two proposals to address the City's regulatory needs as anticipated under Eagle's existing contract with the City to perform specialized construction tasks governed by law and regulation; which immediate tasks are proposed to cost \$69,294.20, plus additional \$42,828.53 in construction contingency costs, all totaling \$112,122.73; and, said proposals shall in all ways conform with the

terms and conditions of the governing Master Contract should any aspect of the proposals purport to deviate from those of the Master Contract; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. As allowed by the agreement entitled "On-Call Professional Services Environmental and Remediation Construction Annual Contract-2002" (Master Contract), made under authority of Ordinance No. 95847, passed and approved by the City Council on May 30, 2002, Eagle Construction and Environmental Services, L.P., (Eagle) shall be paid an amount up to \$69,294.20, for environmental construction and remediation services necessary to the Southcross Boulevard from S. New Braunfels to Presa Project, and up to \$42,828.53 in potential contingency expenses, all for a total sum not to exceed \$112,122.73, according to Eagle's two project proposals dated January 10, 2003, and July 18, 2003, attached and incorporated herein verbatim for all purposes as Exhibits A and B, which proposals, if tendering any provisions in conflict with the Master Contract between the City and Eagle, shall nevertheless be governed by the Master Contract and the conditions of this Ordinance.

SECTION 2. Financial adjustments and provisions are hereby approved to effect this ordinance as follows:

(a) The budget in Fund 43-172095, 2002 Street Improvements, shall be revised by reducing Index Code 753046, entitled Unallocated Appropriations, by the amount of \$112,122.73.

(b) The amount of \$112,122.73 is appropriated in fund 43-172016, 2002 Street improvements, in index code 962142, entitled trf to 40-002083 Southcross: New Braunfels-Presa. The amount of \$112,122.73 is authorized to be transferred from fund 43-172016 to fund 40-002083.

(c) The budget in fund 40-002083, 2002 On Call Environ Construction/Remediation-Eagle Constr, shall be revised by reducing index code 122655, entitled Funds to be Identified, and increasing index code 125567, entitled Transfer from 43-172016 by the amount of \$69,294.20.

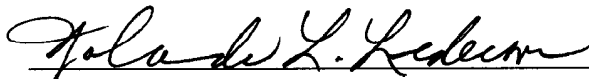
(d) The amount of \$42,828.53 is appropriated in fund 40-002083, 2002 On Call Environ Construction/Remediation-Eagle Constr, in index code 775288, entitled Construction Contingency and is authorized to be encumbered and made payable for additional construction contingency expenses in connection with the Southcross Blvd-New Braunfels to Presa (MPO) Project.

(e) The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall be effective on September 29, 2003.

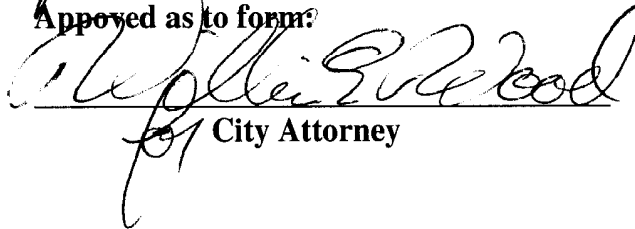
PASSED and APPROVED on this 18th day of September, 2003.

Attest:



City Clerk

Approved as to form:



City Attorney



MAYOR
EDWARD D. GARZA